

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

MATTHEW COOMBS

PLAINTIFF

V.

CASE NO. 2:12CV102

**UNIQUE REFINISHERS, INC.,
INTERCONTINENTAL HOTELS GROUP, PLC and
INTERCONTINENTAL HOTELS GROUP RESOURCES, INC.**

DEFENDANTS

and

CHAWLA HOTELS, INC.

THIRD-PARTY DEFENDANTS

MEMORANDUM OPINION

The court issues this opinion, clarifying its previous ruling [117] and granting the motion to dismiss [39]. The previous opinion in this matter was based on the motion to dismiss [39] based on the initial complaint. The court held that the complaint contained conclusory allegations insufficient to withstand Intercontinental's Fed. R. Civ. P. 12(b)(2) motion. Further, the complaint did not offer sufficient specificity whereby the court could determine that Coombs' injury could be attributed to Intercontinental due to the corporate relationship, or lack thereof, between the defendants in this case.

The subsequent motion [55] is based on the cross-claims asserted against Intercontinental by Unique Refinishers, Inc. The cross-claim asserts the same conclusory allegations as contained in the initial complaint. It also asserts a right of indemnity. Unique Refinishers, Inc. did not respond to the motion to dismiss.

The court finds that its previous opinion is similarly applicable to the assertions made in the cross-claim by Unique Refinishers, Inc. Therefore, both motions to dismiss [39, 55] are granted,

and the parties will be dismissed as set out in a separate judgment issued pursuant to Fed. R. Civ.

P. 58.

SO ORDERED, this the 27th day of March, 2013.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI